

Legislative Ethics Board



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COMPLAINT 2020 – No. 6

In re Young
August 10, 2020

ORDER OF DISMISSAL – LACK OF REASONABLE CAUSE

I. NATURE OF COMPLAINT

The complaint alleges that Respondent violated the Ethics in Public Service Act (Act) by appearing at a rally for Black Lives Matter with a sign that read “Peaceful Protesting is OK! Violence and Property Damage WILL NOT BE TOLERATED”; intentionally harassing and intimidating the teens who attended the rally; and hijacking the rally for political purposes. The sign carried by Respondent bore his signature including his official title. Although the Complaint does not cite a provision of the Act alleged to have been violated by Respondent, the Board has analyzed the complaint as alleging a violation of RCW 42.52.070 (special privileges).

II. JURISDICTION

The Board has personal and subject matter jurisdiction over the Respondent.

III. PROCEDURAL HISTORY

The complaint was received by Board Counsel on June 8, 2020 and was discussed by the Board at its regularly scheduled meetings on June 22, 2020 and August 3, 2020.

IV. FINDINGS OF FACT

There is reasonable cause to believe the following are the pertinent facts of the case:

1. Respondent is a member of the House of Representatives and has represented the 26th legislative district since 2014.
2. The Complainant is a resident of the 26th legislative district.
3. On June 3, 2020, many people gathered at the four corners of the intersection of Olympic Drive and Pt. Fosdick Drive in Gig Harbor to protest the death of George Floyd. Many of those

- attending were teenagers between the ages of 16 and 19; about 75% of those teenagers were female.
4. Some of the teens were involved in arranging the protest; some adults in the community also helped organize the rally.
 5. The teenagers used social media to announce the rally. The adult organizers used a mailing list of mostly Democrats to announce the event.
 6. Respondent learned about the event from several constituents.
 7. The protest was scheduled to begin at 4:00 pm. When one of the adult organizers arrived at the rally site, there were just two teens there. Shortly thereafter, Respondent appeared with a large handwritten sign that said "Attention Protesters! Peaceful Protesting is OK! Violence and Property Damage will NOT be tolerated!" The sign was signed by Respondent using his official title.
 8. According to pictures taken during the event, the back of Respondent's sign was his campaign sign. Respondent also was carrying a "Trump 2020" sign.
 9. Respondent went to the protest alone. This fact was confirmed by other witnesses who either organized or attended the event.
 10. Respondent says that he attended the protest to support the teens who were there and to protest the killing of George Floyd.
 11. Complainant believes Respondent attended the rally intending to hijack it for political purposes.
 12. One of the adult organizers let the teens know that Respondent was an elected official because most had no idea who he was.
 13. Before he went, Respondent contacted the mayor and the police chief to find out whether they knew about the protest.
 14. Both were aware of it. The mayor had heard chatter that there might be some trouble at it.
 15. Bob Smith,¹ who attended the rally and is friends with Respondent, was contacted by the local leadership of the 3 Percenters,² an organization to which he belongs, asking him to attend the rally because there was a rumor that the protesters might burn the Olympic Village construction site. He asked the leadership whether he should openly carry a gun and was told that he should. As a result, he attended the rally carrying a semi-automatic rifle. Mr. Smith's rifle was not loaded but he did have a loaded magazine in his pocket. Mr. Smith was not asked by Respondent to attend the rally.

¹ This is a fictitious name.

² The Three Percenters are an American far-right militia movement and paramilitary group. The group advocates gun ownership rights and resistance to the U.S. federal government's involvement in local affairs.

16. The crowd attending the rally grew larger as time went on and included several people openly carrying firearms.
17. The teens seemed to be scared and intimidated by the people carrying guns.
18. The corner on which Respondent was located gradually filled with young protesters. Respondent indicated that the first hour was pleasant as he conversed with the teenagers. It became more contentious when some people associated with the Kitsap County Democratic Party (Party) showed up with megaphones.
19. According to those representing the Party, the megaphones were used to lead chants, not to incite any unruly behavior.
20. Some witnesses believe the rally grew contentious because Respondent used his large sign to block the smaller signs of the teens that were standing near him and periodically flashed a "Trump 2020" sign.
21. As the crowd around Respondent seemed to grow more hostile, Mr. Smith and other armed attendees moved from the corner on which they were located to Respondent's corner to protect him.
22. Some witnesses believe that things became more contentious when the armed men appeared. There are conflicting accounts about the content of words used between these two groups. According to several witnesses, the teens wanted Respondent to hold a BLM sign and to get on one knee in protest. Respondent said he did hold the BLM sign for a bit but refused to get on one knee.
23. Another reason for the rancor at the rally was because Respondent stated that he did not believe in the movement "Black Lives Matter" because it created violence and that all lives matter.
24. Apparently, there was quite a bit of profanity exchanged between the armed attendees, the teenagers and the Respondent.
25. Respondent stayed at the rally until 7:30 the next morning with about 20 other people who stayed all night.
26. The rally was held on 8 consecutive nights; Respondent and the armed men only attended the first night.

V. CONCLUSIONS OF LAW AND ANALYSIS

RCW 42.52.070 (special privileges) is violated when a legislator uses his or her position to secure special privileges or exceptions for himself or herself, or his or her spouse, child, parent or another. The statute is not violated if the legislator is performing duties within his or her scope of employment (known as the legislative duty exception). *In re Hankins*, 2007 – No. 1B.

Many witnesses who attended the rally believe Respondent was there in his official capacity and was there to campaign. It seems that these witnesses also believe that Respondent used his official position to allegedly intimidate and harass the teens.

Legislators are free to attend community events as Respondent did in this case. It is also not an ethics violation for the Respondent to have campaigned at this event, provided he did not use state resources to do so. There is no evidence that he did.

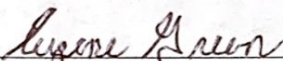
Complainant's claim regarding Respondent's alleged lack of decorum during parts of the rally is not an issue within the purview of the Board and more properly rests with the House administration's enforcement of the Legislature's Code of Conduct.

The Board does not believe that Respondent's attendance at this community rally conferred special privileges or exceptions on himself or others in violation of RCW 42.52.070.

VI. CONCLUSION AND ORDER

The Board finds no reasonable cause to believe the Respondent violated any provisions of the Act as alleged in this Complaint.

IT IS HEREBY ORDERED that this complaint be dismissed.



Eugene Green
Chair

DATE: 8-10-2020